

#75

Late Backup
ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3608 AND 3706 CLAWSON ROAD FROM FAMILY RESIDENCE (SF-3) DISTRICT TO MULTIFAMILY RESIDENCE LOW DENSITY-CONDITIONAL OVERLAY (MF-2-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district to multifamily residence low density-conditional overlay (MF-2-CO) combining district on the property described in Zoning Case No C14-2007-0067, on file at the Neighborhood Planning and Zoning Department, as follows

Tract One A 0.83 acre tract of land, more or less, out of the Issac Decker Survey No 20, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two Lot 2, Mecey Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 73, Page 76, of the Plat Records of Travis County, Texas; and

Tract Three A 0.478 acre tract of land, more or less, out of Block 41, Theodore Low Heights Subdivision, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 3608 and 3706 Clawson Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C"

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 300 trips per day

1 Except as specifically restricted under this ordinance, the Property may be developed and
2 used in accordance with the regulations established for the multifamily residence low
3 density (MF-2) base district, and other applicable requirements of the City Code
4

5 **PART 3.** This ordinance takes effect on _____, 2008
6

7
8 **PASSED AND APPROVED**
9

10 _____ §
11 _____ §
12 _____, 2008 § _____
13 Will Wynn
14 Mayor
15

16
17 **APPROVED:** _____ **ATTEST:** _____
18 David Allan Smith Shirley A Gentry
19 City Attorney City Clerk

#76

RESTRICTIVE COVENANT

OWNER Richard M Roberts (Tract One)
James R Barnett, Jr and Cynthia R Barnett (Tract Two)
Martin Edward Dupont and Lisa T Dupont (Tract Three)

ADDRESS Roberts 11601 Autumn Ridge Dr , Austin, TX 78759
Barnett 7603 Parkview Cir , Austin, TX 78731
Dupont 3202 Garden Villa Ln , Austin, TX 78704

CONSIDERATION Ten and No/100 Dollars (\$10 00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged

PROPERTY Tract One A 0 83 acre tract of land, more or less, out of the Issac Decker Survey No 20, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

Tract Two Lot 2, Mecey Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 73, Page 76, of the Plat Records of Travis County, Texas, and

Tract Three A 0 478 acre tract of land, more or less, out of Block 41, Theodore Low Heights Subdivision, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant

WHEREAS, the Owner ("Owner", whether one or more) of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions,

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns

- 1 All residential and commercial development shall comply with Austin Energy Green Building Program (GBP) in effect on June 18, 2008, to achieve a minimum two-star rating
- 2 Owner agrees to implement the following water conserving measures
 - A High efficiency toilets (1 28 gpf) shall be installed
 - B Multifamily residential units, including condominiums, shall be separately metered or sub-metered for water use
- 3 If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions

- 4 If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect
- 5 If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it
- 6 This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination

EXECUTED this the _____ day of _____, 2008

OWNER:

Richard M Roberts

James R Barnett, Jr

Cynthia R Barnett

Martin Edward Dupont

Lisa T Dupont

APPROVED AS TO FORM

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2008, by Richard M Roberts

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2008, by James R Barnett, Jr

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2008, by Cynthia R Barnett

Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

 This instrument was acknowledged before me on this the ____ day of _____,
2008, by Martin Edward Dupont

Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

 This instrument was acknowledged before me on this the ____ day of _____,
2008, by Lisa T Dupont

Notary Public, State of Texas

After Recording, Please Return to
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention Diana Minter, Legal Assistant